

2011 DRAFTING REQUEST

Bill

Received: **01/13/2012**

Received By: **fknepp**

Wanted: **As time permits**

Companion to LRB:

For: **Daniel Knodl (608) 266-3796**

By/Representing: **BJ Dernbach**

May Contact:

Drafter: **fknepp**

Subject: **Public Assistance - Wis works**

Addl. Drafters:

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Knodl@legis.wisconsin.gov**

Carbon copy (CC:) to: **fern.knepp@legis.wisconsin.gov**

Pre Topic:

No specific pre topic given

Topic:

W-2; intentional program violations

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	fknepp 01/17/2012	kfollett 01/20/2012		_____			S&L
/1			phenry 01/20/2012	_____	ggodwin 01/20/2012		S&L
/2	fknepp 01/25/2012	kfollett 01/26/2012	jmurphy 01/26/2012	_____	sbasford 01/26/2012		S&L
/3	fknepp 01/26/2012	csicilia 01/26/2012	rschluet 01/26/2012	_____	sbasford 01/26/2012	ggodwin 02/01/2012	S&L

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
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/4	fknepp 02/01/2012	jdye 02/01/2012	phenry 02/01/2012	_____	ggodwin 02/01/2012	ggodwin 02/01/2012	
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FE Sent For:

*At intro
2/7/2012*

<END>

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*Identical
Copies*** PA -**Please jacket
3820/4**Thanks, Fern*

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FE Sent For:

Handwritten notes:
13 g3 1/26
12 12/20/12 Jim

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/1		12/5/12 1/26	phenry 01/20/2012 jm 1/26		ggodwin 01/20/2012 PH+JM 1/26		
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<END>							

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/?	fknepp	1/15f 1/20		1/14fjm 1/20			

FE Sent For:

<END>

Knepp, Fern

From: Knepp, Fern
Sent: Friday, January 13, 2012 12:10 PM
To: Knepp, Fern
Subject: FW: Bill Draft
Attachments: 20120113113311320.pdf

From: Dernbach, BJ
Sent: Friday, January 13, 2012 11:26 AM
To: Malaise, Gordon
Subject: Bill Draft

Gordon,

I've attached the directions for a bill to address intentional program violations.

Any chance I could get a draft by the end of next week?

Thanks.

BJ Dernbach
Office of Representative Dan Knodl
24th Assembly District
(608) 266-3796



wisconsin department of
children & families

201 East Washington Avenue, Room G200

P.O. Box 8916

Madison, WI 53708-8916

Governor Scott Walker
Secretary Eloise Anderson

Secretary's Office

W-2 Intentional Program Violations

Statute: 49.001; 49.151 (2)

Issue

Intentional Program Violations (IPVs) are rarely applied due to the confusing nature of the statutes. These changes were recommended by the Special Committee on Public Assistance Program Integrity and are part of the bill draft WLC: 0106/1. The statutes do not currently include intentional program violations related to Emergency Assistance.

Suggested Changes

Amend 49.001 and 49.151 (2) as follows.

49.001 (3X) of the statutes is created to read:

49.001 (3X) "Intentional program violation" means, with regard to the programs in this chapter, intentionally making a false or misleading statement, intentionally misrepresenting or withholding facts, or committing any act that constitutes a violation of state or federal law for the purpose of using, presenting, transferring, acquiring, receiving, possessing, or trafficking benefits under this chapter.

49.151 (2) of the statutes is renumbered 49.151 (2) (a) (intro.) and, as renumbered, is amended to read:

49.151 (2) INTENTIONAL PROGRAM VIOLATIONS. (a) If ~~a court finds or it is determined after an administrative hearing that an individual who is a member of a Wisconsin works group~~ applying for or receiving benefits under ss. 49.138 or 49.141 to 49.161, for the purpose of establishing or maintaining eligibility for those benefits or for the purpose of increasing the value of those benefits, has intentionally violated, ~~on 3 separate occasions,~~ any provision in ss. 49.138 or 49.141 to 49.161 or any rule promulgated under those sections, the Wisconsin works agency or the department may ~~permanently deny~~ benefits under ss. 49.138 or 49.141 to 49.161 to the individual: as follows:

49.151 (2) (a) 1., 2., 3. and (b) of the statutes are created to read:

- 49.151 (2) (a) 1. For the first intentional program violation, for 6 months.
2. For a second intentional program violation, for one year.
3. For a third intentional program violation, permanently.

T 608.266.8684 F 608.261.6972 dcf.wi.gov

(b) An individual who is aggrieved by a determination under par. (a) may request a review of the determination under s. 49.152 or, if the determination is based upon a violation of s. 49.155, may request a contested case hearing under ch. 227 by filing with the department a request for a hearing within 30 days after the date of the determination.

NOTE: Clarifies that a Wisconsin Works agency determines whether a person has intentionally violated a provision of the Wisconsin works program. The draft also applies this provision to the emergency assistance program. Under the draft, as under current law, a person who commits 3 intentional program violations may be permanently denied benefits. Additionally, under the draft, a person may be denied benefits for 6 months for one intentional program violation and one year for a second intentional program violation. Under the draft, each determination of a violation may be reviewed.

Rationale

Change in statute would clarify when and how IPV's would be applied. Change would also apply IPV's to Emergency Assistance.



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-3820

FFK:

In 1-17-12
Out 1-20-12 [Please let me know
if this is not possible]

RMK

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Gen

- 1 AN ACT ...; relating to: intentional program violations of public assistance
2 programs.

Analysis by the Legislative Reference Bureau

The Wisconsin Works (W-2) program provides work experience and benefits for low-income custodial parents who are at least 18 years old, as well as job search assistance to noncustodial parents who are required to pay child support, to minor custodial parents, and to pregnant women who are not custodial parents. Under Wisconsin Shares, which is also part of the W-2 program, an individual who is the parent of a child under the age of 13 or, if the child is disabled, under the age of 19, who needs child care services to participate in various educational or work activities, and who satisfies other eligibility criteria, may receive a child care subsidy for child care services. The W-2 program is currently administered by the Department of Children and Families (DCF). DCF also administers a program that provides emergency assistance to needy persons in cases of fire, flood, natural disaster, energy crisis, or homelessness or impending homelessness (emergency assistance program).

Under current law, if a court finds or if it is determined after an administrative hearing that an individual has intentionally violated any statute or rule governing the W-2 program on three separate occasions, a W-2 agency may permanently deny the individual benefits under the W-2 program. Under this bill, a W-2 agency may deny an individual benefits under the W-2 program or the emergency assistance program as follows:

1. For a first intentional program violation, for six months.
2. For a second intentional program violation, for one year.

3. For a third intentional program violation, permanently.

Under the bill, an intentional program violation is defined as making a false or misleading statement, intentionally misrepresenting or withholding facts, or committing any act that constitutes a violation of state or federal law for the purpose of using, presenting, transferring, acquiring, receiving, possessing, or trafficking public assistance benefits. The bill also specifies that a W-2 agency determines whether an individual has committed an intentional program violation for purposes of denying benefits.

For further information see the **state and local** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 SECTION 1. 49.001 (3m) of the statutes[✓] is created to read:

2 49.001 (3m) "Intentional program violation" means intentionally making a
3 false or misleading statement, intentionally misrepresenting or withholding facts,
4 or committing any act that constitutes a violation of state or federal law for the
5 purpose of using, presenting, transferring, acquiring, receiving, possessing, or
6 trafficking benefits under this chapter.

7 History: 1995 a. 289; 1997 a. 27; 2009 a. 28; 2011 a. 32.

8 **SECTION 2. Initial applicability.**

(END)

Ins.
2-6

Ins.
2-7

BILL

1 relationship with other employment and training programs for participants to make
2 use of varied education and training opportunities available through integrated job
3 centers, as defined by the department by rule. ~~(3) Encourage, and encourage~~
4 employers to make training sites available on the business site for participants.

NOTE: Moves education and training requirements for Wisconsin Works agencies
to the section on Wisconsin Works contracts.

5 **SECTION 130.** 49.15 (3) (a) of the statutes is amended to read:

6 49.15 (3) (a) Unsubsidized employment, as defined in s. 49.147 (1) (c).

7 **SECTION 131.** 49.151 (2) of the statutes is renumbered 49.151 (2) (a) (intro.) and
8 amended to read:

9 49.151 (2) (a) (intro.) If a court finds or it is determined after an administrative
10 hearing Wisconsin Works agency determines that an individual who is a member of
11 a ~~Wisconsin works group~~ applying for or receiving benefits under s. 49.138 or ss.
12 49.141 to 49.161, for the purpose of establishing or maintaining eligibility for those
13 benefits or for the purpose of increasing the value of those benefits, has intentionally
14 violated, on 3 separate occasions, committed an intentional program violation
15 related to any provision in s. 49.138 or ss. 49.141 to 49.161 or any rule promulgated
16 under those sections, the Wisconsin works Works agency or the department may
17 ~~permanently~~ deny benefits under s. 49.138 or ss. 49.141 to 49.161 to the individual.
18 as follows:

19 **SECTION 132.** 49.151 (2) (a) 1., 2. and 3. and (b) of the statutes are created to
20 read:

- 21 49.151 (2) (a) 1. For a first intentional program violation, for 6 months.
22 2. For a 2nd intentional program violation, for one year.
23 3. For a 3rd intentional program violation, permanently.

Ins. 2-6

BILL**SECTION 132**

1 (b) An individual who is denied benefits under par. (a) may request a review
2 of the determination following the procedure under s. 49.152 or, if the denial is based
3 upon a violation of s. 49.155, may request a contested case hearing under ch. 227 by
4 filing a request for a hearing with the department within 30 days after the date of
the denial.

End Ins. 265
~~NOTE: Clarifies that a Wisconsin Works agency determines whether a person has intentionally violated a provision of the Wisconsin Works program. The bill also applies this provision to the emergency assistance program.~~

~~Under the bill, as under current law, a person who commits 3 intentional program violations may be permanently denied benefits. Additionally, under the bill, a person may be denied benefits for 6 months for one intentional program violation and one year for a second intentional program violation.~~

~~Under the bill, each determination of a violation may be reviewed.~~

6 **SECTION 133.** 49.152 (title) of the statutes is amended to read:

7 **49.152 (title) Review of Wisconsin Works agency decisions.**

8 **SECTION 134.** 49.152 (1) of the statutes, as affected by 2011 Wisconsin Act 32,
9 is amended to read:

10 **49.152 (1) PETITION FOR REVIEW.** ~~Any~~ Except as provided in 49.1525, any
11 individual whose application for any component of Wisconsin Works is not acted
12 upon by the Wisconsin Works agency with reasonable promptness after the filing of
13 the application, as defined by the department by rule, or is denied in whole or in part,
14 whose benefit is modified or canceled, or who believes that the benefit was calculated
15 incorrectly, that the employment position in which the individual was placed is
16 inappropriate, or that providing case management services under s. 49.147 (2) (am)
17 in lieu of placement in a Wisconsin Works employment position is inappropriate, may
18 petition the Wisconsin Works agency for a review of such action. Review is
19 unavailable if the action by the Wisconsin Works agency occurred more than 45 days
20 prior to submission of the petition for review.

BILL

1 (b) The department of health services shall submit in proposed form the rules
2 required under section 49.006 (3) of the statutes, as created by this act, to the
3 legislative council staff under section 227.15 (1) of the statutes no later than the first
4 day of the 6th month beginning after the effective date of this paragraph.

5 (2) REVIEW OF WISCONSIN SHARES DECISIONS; RULES. The department of children
6 and families shall submit in proposed form the rules required under section 49.1525
7 of the statutes, as created by this act, to the legislative council staff under section
8 227.15 (1) of the statutes no later than the first day of the 7th month beginning after
9 the effective date of this subsection.

10 **SECTION 473. Initial applicability.**

11 (1) PUBLIC ASSISTANCE APPLICATIONS. The treatment of section 49.006 of the
12 statutes first applies to applications for aid or benefits under chapter 49 of the
13 statutes that are received by the department of health services or the department of
14 children and families on the effective date of this subsection.

15 (2) ^(C#) INTENTIONAL PROGRAM VIOLATIONS. The renumbering and amendment of
16 section 49.151 (2) of the statutes and the creation of section 49.151 (2) (a) 1., 2., and
17 3. and (b) of the statutes first apply to acts or omissions that occur on the effective
18 date of this subsection.

19 (3) REVIEW OF WISCONSIN SHARES DECISIONS. The treatment of sections 49.152
20 (1) and 49.1525 of the statutes first applies to applications that are filed and actions
21 of the department of children and families that occur on the first day of the 25th
22 month after the effective date of the subsection.

23 (4) PUBLIC ASSISTANCE FRAUD. The treatment of section 946.93 of the statutes
24 first applies to acts and omissions that occur on the effective date of this subsection.

Ins
2-7

Knepp, Fern

From: Lippert, MaryAnn - DCF [MaryAnn.Lippert@wisconsin.gov]
Sent: Tuesday, January 24, 2012 4:22 PM
To: Knepp, Fern
Subject: Follow-up

Hi Fern --

It was good to chat with you! Here is the info I promised to send:

"The only item we may want to address is the W-2 Agency being the sole determiner of an IPV. For Wisconsin Shares, we would want the Child Care Administrative Agency (County) to have this responsibility. Or perhaps more broadly, have the statute reference the Department or its agent."

.....recommend revising 49.151 (2) (a) intro. so that it references 49.155 (1) (ah) for Shares.

Effective date - 6 months after the bill is signed.

Please contact me if we need to chat again. Thanks!

MaryAnn Lippert

Executive Assistant

Department of Children and Families

201 East Washington Avenue
Madison, WI 53703

T 608.261.6588

F 608.261.6972

Email MaryAnn.Lippert@wisconsin.gov



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-3820/1
FFK:kjf&jld:ph

In 1-25-2012
Out 1-30-2012

Today

RMR

2011 BILL

dnote

Regen

- 1 AN ACT *to renumber and amend* 49.151 (2); and *to create* 49.001 (3m) and
2 49.151 (2) (a) 1., 2. and 3. and (b) of the statutes; **relating to:** intentional
3 program violations of public assistance programs.

Analysis by the Legislative Reference Bureau

The Wisconsin Works (W-2) program provides work experience and benefits for low-income custodial parents who are at least 18 years old, as well as job search assistance to noncustodial parents who are required to pay child support, to minor custodial parents, and to pregnant women who are not custodial parents. Under Wisconsin Shares, which is also part of the W-2 program, an individual who is the parent of a child under the age of 13 or, if the child is disabled, under the age of 19, who needs child care services to participate in various educational or work activities, and who satisfies other eligibility criteria, may receive a child care subsidy for child care services. The W-2 program is currently administered by the Department of Children and Families (DCF). DCF also administers a program that provides emergency assistance to needy persons in cases of fire, flood, natural disaster, energy crisis, or homelessness or impending homelessness (emergency assistance program).

Under current law, if a court finds or if it is determined after an administrative hearing that an individual has intentionally violated any statute or rule governing the W-2 program on three separate occasions, a W-2 agency may permanently deny the individual benefits under the W-2 program. Under this bill, a W-2 agency may deny an individual benefits under the W-2 program or the emergency assistance program as follows:

or DCF

BILL

1. For a first intentional program violation, for six months.
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3. For a third intentional program violation, permanently.

Under the bill, an intentional program violation is defined as making a false or misleading statement, intentionally misrepresenting or withholding facts, or committing any act that constitutes a violation of state or federal law for the purpose of using, presenting, transferring, acquiring, receiving, possessing, or trafficking public assistance benefits. The bill also specifies that a W-2 agency determines whether an individual has committed an intentional program violation for purposes of denying benefits.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

DCF

or an entity administering Wisconsin Shares
The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 49.001 (3m) of the statutes is created to read:

49.001 (3m) "Intentional program violation" means intentionally making a false or misleading statement, intentionally misrepresenting or withholding facts, or committing any act that constitutes a violation of state or federal law for the purpose of using, presenting, transferring, acquiring, receiving, possessing, or trafficking benefits under this chapter.

SECTION 2. 49.151 (2) of the statutes is renumbered 49.151 (2) (a) (intro.) and amended to read: *or a county department or agency under contract under s. 49.155 (1m)*

49.151 (2) (a) (intro.) *If a court finds or it is determined after an administrative hearing* Wisconsin Works agency determines that an individual ~~who is a member of~~ a Wisconsin works group applying for or receiving benefits under s. 49.138 or ss. 49.141 to 49.161, for the purpose of establishing or maintaining eligibility for those benefits or for the purpose of increasing the value of those benefits, has intentionally violated, on 3 separate occasions, committed an intentional program violation related to any provision in s. 49.138 or ss. 49.141 to 49.161 or any rule promulgated

the department, a

BILL

1 under those sections, the Wisconsin ~~works~~ Works agency ~~or the department may~~
2 ~~permanently~~ deny benefits under s. 49.138 or ss. 49.141 to 49.161 to the individual.
3 as follows:

4 **SECTION 3.** 49.151 (2) (a) 1., 2. and 3. and (b) of the statutes are created to read:

5 49.151 (2) (a) 1. For a first intentional program violation, for 6 months.

6 2. For a 2nd intentional program violation, for one year.

7 3. For a 3rd intentional program violation, permanently.

8 (b) An individual who is denied benefits under par. (a) may request a review
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10 upon a violation of s. 49.155, may request a contested case hearing under ch. 227 by
11 filing a request for a hearing with the department within 30 days after the date of
12 the denial.

13 **SECTION 4. Initial applicability.**

14 (1) INTENTIONAL PROGRAM VIOLATIONS. The renumbering and amendment of
15 section 49.151 (2) of the statutes and the creation of section 49.151 (2) (a) 1., 2., and
16 3. and (b) of the statutes first apply to acts or omissions that occur on the effective
17 date of this subsection.

18 (END)

18

Ins 3-18

note

**2011-2012 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB3820/2ins
FFK:.....

INSERT 3-18

1 SECTION 1. Effective date.

2 (1) This act takes effect on the first day of the 7th month beginning after
3 publication.

END INSERT 3-18

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB - 3820/2nsdn
FFK:...

Date

To Representative Knodl:

+ This draft allows a county department or agency that is under contract to administer Wisconsin Shares to make determinations of whether intentional program violation has occurred. It does not authorize a county department or agency that is under contract to administer Wisconsin Shares to deny benefits to a participant who it has determined committed intentional program violations. The draft provides that benefits may be denied by the Department of Children and Families or a W-2 agency. If this is not consistent with your intent and a county department or agency that is under contract to administer Wisconsin Shares should be authorized to deny benefits following a determination of intentional program violations, please let me know so that I can redraft the bill accordingly.

Fern Knepp
Legislative Attorney
Phone: (608) 261-6927
E-mail: fern.knepp@legis.wisconsin.gov

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3820/2dn
FFK:kjf:jm

January 26, 2012

To Representative Knodl:

This draft allows a county department or agency that is under contract to administer Wisconsin Shares to make determinations of whether intentional program violation has occurred. It does not authorize a county department or agency that is under contract to administer Wisconsin Shares to deny benefits to a participant who it has determined committed intentional program violations. The draft provides that benefits may be denied by the Department of Children and Families or a W-2 agency. If this is not consistent with your intent and a county department or agency that is under contract to administer Wisconsin Shares should be authorized to deny benefits following a determination of intentional program violations, please let me know so that I can redraft the bill accordingly.

Fern Knepp
Legislative Attorney
Phone: (608) 261-6927
E-mail: fern.knepp@legis.wisconsin.gov

Telephone Message from Mary Ann Lippert
confirmed by BJ

- add entity administering Wisconsin
Shares to list of who can
deny benefits

From

BJ - correct analysis to reflect
that benefit must be denied

1-26-2012



Today 1-26-2012
State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-3820/2
FFK:kjf&jld:jm

2/3

Stays

2011 BILL

SA ✓

Ger Cat

1 AN ACT ~~to renumber and amend~~ 49.151 (2); and ~~to create~~ 49.001 (3m) and
2 49.151 (2) (a) 1., 2. and 3. and (b) of the statutes; **relating to:** intentional
3 program violations of public assistance programs.

Analysis by the Legislative Reference Bureau

The Wisconsin Works (W-2) program provides work experience and benefits for low-income custodial parents who are at least 18 years old, as well as job search assistance to noncustodial parents who are required to pay child support, to minor custodial parents, and to pregnant women who are not custodial parents. Under Wisconsin Shares, which is also part of the W-2 program, an individual who is the parent of a child under the age of 13 or, if the child is disabled, under the age of 19, who needs child care services to participate in various educational or work activities, and who satisfies other eligibility criteria, may receive a child care subsidy for child care services. The W-2 program is currently administered by the Department of Children and Families (DCF). DCF also administers a program that provides emergency assistance to needy persons in cases of fire, flood, natural disaster, energy crisis, or homelessness or impending homelessness (emergency assistance program).

Under current law, if a court finds or if it is determined after an administrative hearing that an individual has intentionally violated any statute or rule governing the W-2 program on three separate occasions, a W-2 agency may permanently deny the individual benefits under the W-2 program. Under this bill, a W-2 agency or DCF ~~may~~ deny an individual benefits under the W-2 program or the emergency assistance program as follows:

→ is required to

↑ an entity administering
Wisconsin Shares
=

BILL

1. For a first intentional program violation, for six months.
2. For a second intentional program violation, for one year.
3. For a third intentional program violation, permanently.

Under the bill, an intentional program violation is defined as making a false or misleading statement, intentionally misrepresenting or withholding facts, or committing any act that constitutes a violation of state or federal law for the purpose of using, presenting, transferring, acquiring, receiving, possessing, or trafficking public assistance benefits. The bill also specifies that DCF, a W-2 agency, or an entity administering Wisconsin Shares determines whether an individual has committed an intentional program violation for purposes of denying benefits.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 49.001 (3m) of the statutes is created to read:

2 49.001 **(3m)** "Intentional program violation" means intentionally making a
3 false or misleading statement, intentionally misrepresenting or withholding facts,
4 or committing any act that constitutes a violation of state or federal law for the
5 purpose of using, presenting, transferring, acquiring, receiving, possessing, or
6 trafficking benefits under this chapter.

7 **SECTION 2.** 49.151 (2) of the statutes is renumbered 49.151 (2) (a) (intro.) and
8 amended to read:

9 49.151 **(2)** (a) (intro.) ~~If a court finds or it is determined after an administrative~~
10 ~~hearing the department, a Wisconsin Works agency, or a county department or~~
11 ~~agency under contract under s. 49.155 (1m) determines~~ that an individual who is a
12 ~~member of a Wisconsin works group~~ applying for or receiving benefits under s. 49.138
13 or ss. 49.141 to 49.161, for the purpose of establishing or maintaining eligibility for
14 those benefits or for the purpose of increasing the value of those benefits, has
15 ~~intentionally violated, on 3 separate occasions, committed an intentional program~~

BILL

1 violation related to any provision in s. 49.138 or ss. 49.141 to 49.161 or any rule
2 promulgated under those sections, the Wisconsin works Works agency may
3 permanently ~~for the department shall~~ deny benefits under s. 49.138 or ss. 49.141 to
4 49.161 to the individual- as follows:

5 **SECTION 3.** 49.151 (2) (a) 1., 2. and 3. and (b) of the statutes are created to read:

6 49.151 (2) (a) 1. For a first intentional program violation, for 6 months.

7 2. For a 2nd intentional program violation, for one year.

8 3. For a 3rd intentional program violation, permanently.

9 (b) An individual who is denied benefits under par. (a) may request a review
10 of the denial following the procedure under s. 49.152 or, if the denial is based upon
11 a violation of s. 49.155, may request a contested case hearing under ch. 227 by filing
12 a request for a hearing with the department within 30 days after the date of the
13 denial.

14 **SECTION 4. Initial applicability.**

15 (1) INTENTIONAL PROGRAM VIOLATIONS. The renumbering and amendment of
16 section 49.151 (2) of the statutes and the creation of section 49.151 (2) (a) 1., 2., and
17 3. and (b) of the statutes first apply to acts or omissions that occur on the effective
18 date of this subsection.

19 **SECTION 5. Effective date.**

20 (1) This act takes effect on the first day of the 7th month beginning after
21 publication.

22 (END)

Godwin, Gigi

From: Dernbach, BJ

Sent: Wednesday, February 01, 2012 8:56 AM

To: LRB.Legal

Subject: Draft Review: LRB 11-3820/3 Topic: W-2; intentional program violations

Please Jacket LRB 11-3820/3 for the ASSEMBLY.

2/1/2012



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-38203/4
FFK:kjf&jld:rs

In 2-1-2012
Out 2-2-2012
2011 BILL

- ✓ Regen
- 1 AN ACT *to renumber and amend* 49.151 (2); and *to create* 49.001 (3m) and
2 49.151 (2) (a) 1., 2. and 3. and (b) of the statutes; **relating to:** intentional
3 program violations of public assistance programs.

Analysis by the Legislative Reference Bureau

The Wisconsin Works (W-2) program provides work experience and benefits for low-income custodial parents who are at least 18 years old, as well as job search assistance to noncustodial parents who are required to pay child support, to minor custodial parents, and to pregnant women who are not custodial parents. Under Wisconsin Shares, which is also part of the W-2 program, an individual who is the parent of a child under the age of 13 or, if the child is disabled, under the age of 19, who needs child care services to participate in various educational or work activities, and who satisfies other eligibility criteria, may receive a child care subsidy for child care services. The W-2 program is currently administered by the Department of Children and Families (DCF). DCF also administers a program that provides emergency assistance to needy persons in cases of fire, flood, natural disaster, energy crisis, or homelessness or impending homelessness (emergency assistance program).

Under current law, if a court finds or if it is determined after an administrative hearing that an individual has intentionally violated any statute or rule governing the W-2 program on three separate occasions, a W-2 agency may permanently deny the individual benefits under the W-2 program. Under this bill, a W-2 agency, an entity administering Wisconsin Shares or DCF is required deny an individual benefits under the W-2 program or the emergency assistance program as follows:

comma → ?

BILL

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2. For a second intentional program violation, for one year.
3. For a third intentional program violation, permanently.

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For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

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13 or ss. 49.141 to 49.161, for the purpose of establishing or maintaining eligibility for
14 those benefits or for the purpose of increasing the value of those benefits, has
15 ~~intentionally violated, on 3 separate occasions,~~ committed an intentional program

BILL

1 violation related to any provision in s. 49.138 or ss. 49.141 to 49.161 or any rule
2 promulgated under those sections, the Wisconsin works Works agency may
3 permanently, the county department or agency under contract under 49.155 (1m), or
4 the department shall deny benefits under s. 49.138 or ss. 49.141 to 49.161 to the
5 individual, as follows:

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17 section 49.151 (2) of the statutes and the creation of section 49.151 (2) (a) 1., 2., and
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19 date of this subsection.

20 **SECTION 5. Effective date.**

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22 publication.

23 (END)

Godwin, Gigi

From: Dernbach, BJ

Sent: Wednesday, February 01, 2012 1:40 PM

To: LRB.Legal

Subject: Draft Review: LRB 11-3820/4 Topic: W-2; intentional program violations

Please Jacket LRB 11-3820/4 for the ASSEMBLY.